

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERNEST KEVIN TRIVETTE, *et al.*,

Plaintiffs,

v.

TENNESSEE DEPARTMENT OF CORRECTION,

Defendant.

Civil No. 3:20-cv-00276

Judge Aleta Trauger

**JOINT STIPULATION OF MATTHEW FOSTER'S
UNAVAILABILITY TO TESTIFY AT TRIAL**

The Parties, by and through their respective counsel, hereby jointly stipulate and request that this court find that Matthew Foster, a former employee of Defendant Tennessee Department of Correction ("TDOC"), is unavailable to provide testimony at trial and that the Parties may therefore use his deposition for any purpose at trial pursuant to Federal Rule of Civil Procedure 32(a)(4). In support of this request, the Parties jointly state:

1. Mr. Foster was a TDOC employee from 2019 to December 9, 2024.
2. Plaintiffs deposed Mr. Foster on July 14, 2023.
3. TDOC believes that Mr. Foster currently resides more than 100 miles from Nashville, Tennessee where trial will be held.
4. Neither Party has taken any action to procure Mr. Foster's absence.

Based on the foregoing, the Parties respectfully request that the Court find Matthew Foster to be unavailable to testify at trial in this matter pursuant to Rule 32(a)(4).

Respectfully submitted,

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December 27, 2024

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